

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EMPLOYEE PAINTERS TRUST  
HEALTH & WELFARE FUND, et al.,

Plaintiffs,

v.

S.L. CONSTRUCTION CO., et al.,

Defendants.

CASE NO. C06-599JLR

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable James L. Robart:

The court hereby VACATES its prior show cause order directed to Defendants regarding discovery compliance (Dkt. # 14) and VACATES its order granting Plaintiffs' motion to compel (Dkt. # 11). The Defendants are now in default. Plaintiffs must treat the defaulting Defendants as a non-party for purposes of discovery. See Blazek v. Capital Recovery Assocs., Inc., 222 F.R.D. 360, 361 (E.D. Wis. 2004) (holding that non-party discovery rules applied to defaulting defendant); cf. LG Electronics, Inc. v. Advance Creative Computer Corp. et al., 212 F. Supp. 2d 1171, 1177 (N.D. Cal. 2002) (holding that unanswered requests for admission served on defaulting defendant was insufficient to serve as evidentiary basis for award of damages). A person not a party to an action may

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1 be compelled to produce documents only by a subpoena issued from the court for the  
2 district in which the production is to be made. Fed. R. Civ. P. 34(c) (citing Fed. R. Civ.  
3 P. 45). Accordingly, if Plaintiffs seek discovery related to the payroll records, they must  
4 do so through a subpoena duces tecum.

5 The court directs the clerk to mail a copy of this minute order to Scott B. Lindsay,  
6 Owner at 5505 228th St. SE, Bothell, WA.

7 Filed and entered this 14th day of November, 2006.

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9 BRUCE RIFKIN, Clerk

10 s/Mary Duett  
11 By Deputy Clerk  
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